

APR 10 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

NAZIK GEVORGYAN, aka Nazik
Tsaturyan; et al.,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-75409

Agency Nos. A75-765-991
A75-765-992
A75-765-993
A75-765-994

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted April 5, 2006**

Before: HAWKINS, McKEOWN, and PAEZ, Circuit Judges.

Nazik Gevorgyan, a native of Georgia and citizen of Armenia, petitions for review of the Board of Immigration Appeals' ("BIA") affirmance of the Immigration Judge's denial of asylum, withholding of removal, and protection

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

under the Convention Against Torture (“CAT”). Gevorgyan’s husband Reuben and sons Sergei and Sonbel Gevorgyan petition for review on their derivative applications for relief. We have jurisdiction pursuant to 8 U.S.C. § 1252, and review for substantial evidence the BIA’s decision. *See Nuru v. Gonzales*, 404 F.3d 1207, 1215 (9th Cir. 2005).

Substantial evidence does not support the BIA’s finding that Gevorgyan’s credible testimony failed to establish a nexus between the harm she suffered and her activities to publicize corruption within the Armenian government. *See Grava v. INS*, 205 F.3d 1177, 1181-82 (9th Cir. 2000). We therefore grant the petition for review and remand to the BIA for consideration of whether Gevorgyan has proven a well-founded fear of future persecution sufficient to establish eligibility for asylum and withholding of removal. *Id.* at 1182.

However, because Gevorgyan has not “specifically and distinctly argued and raised” the issue of relief under the Convention Against Torture in this court, she has waived that claim. *See Castro-Perez v. Gonzales*, 409 F.3d 1069, 1072 (9th Cir. 2005) (citation and internal quotation marks omitted).

PETITION FOR REVIEW GRANTED and REMANDED.